

SECTOR



PATENT
Customer Number 22,852
Attorney Docket No. 2356.0062-05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re appln of Maurice MONCANY et al.)
Serial No.: 09/670,105) Group Art Unit: 1648
Filed: September 26, 2000) Prior Examiner: J. Stucker

For: NUCLEOTIDE SEQUENCES DERIVED FROM THE GENOME OF RETROVIRUSES OF THE HIV-1, HIV-2 AND SIV TYPE, AND THEIR USES IN PARTICULAR FOR THE AMPLIFICATION OF THE GENOMES OF THESE RETROVIRUSES AND FOR THE IN VITRO DIAGNOSIS OF THE DISEASES DUE TO THESE VIRUSES

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION**

Applicants received a Notice to File Missing Parts of Nonprovisional Application dated December 20, 2000, indicating that a properly signed oath or declaration has not been received by the Patent Office. In response to the PTO Communication, applicants submit the following remarks.

REMARKS

On September 26, 2000, applicants submitted a continuation application under Rule 1.53(b). Along with the Rule 1.53(b) continuation transmittal, applicants also submitted copies of the specification (38 pages), Declaration/Power of Attorney (2 pages), Sequence Listing as originally filed (21 pages), Preliminary Amendment, including Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§ 1.821-1.825 (9 pages), Information Disclosure Statement and Form PTO 1449 (3

LAW OFFICES

FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N. W.
WASHINGTON, DC 20005
202-408-4000

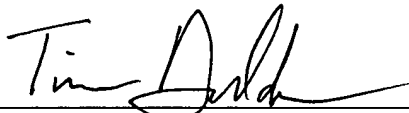
pages), and a check for the fee of \$950.00 (\$690.00 filing fee and \$260.00 multiple claim fee). For the convenience of the U.S. Patent and Trademark Office, applicants now submit a duplicate copy of all the aforementioned documents, along with a copy of the stamped postcard acknowledging receipt of the aforementioned documents.

Additionally, applicants have not submitted the surcharge fee of \$130.00 for the late filing of an oath or declaration since applicants believe the issuance of the PTO Communication dated December 20, 2000, occurred due to an error of the U.S. Patent and Trademark Office. However, if there are any fees due in connection with the filing of this response, including any fees required for an extension of time under 37 C.F.R. § 1.136, such an extension is requested, and the Commissioner is authorized to charge any related fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 16, 2001

By: 
Timothy B. Donaldson
Reg. No. 43,592

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/670,105	09/26/2000	Maurice Moncany	2356.0062-05

Finnegan Henderson Farabow
Garrett and Dunner LLP
1300 I Street N W
Washington, DC 20005-3315



FORMALITIES LETTER



OC000000005631383

Date Mailed: 12/20/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Derally Bell *74*
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

KJM/TBD



PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In Re Rule 1.53(b) continuation application of:

U.S. Serial No. 09/092, 077 for: Maurice MONCANY et al.

Serial No.: Not yet assigned

Prior Group Art Unit: 1648

Filed: September 26, 2000

Prior Examiner: J. Stucker

For: NUCLEOTIDE SEQUENCES DERIVED FROM THE GENOME OF RETROVIRUSES OF THE HIV-1, HIV-2 AND SIV TYPE, AND THEIR USES IN PARTICULAR FOR THE AMPLIFICATION OF THE GENOMES OF THESE RETROVIRUSES AND FOR THE IN VITRO DIAGNOSIS OF THE DISEASES DUE TO THESE VIRUSES

1. Rule 1.53(b) continuation transmittal;
2. Copy of specification and Declaration/Power of Attorney as originally filed;
3. Preliminary Amendment, including Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§ 1.821-1.825
4. Copy of Sequence Listing;
5. Information Disclosure Statement;
6. Form PTO 1449;
7. Check - \$950.00.

Dated September 26, 2000

Docket No.: 02356.0062-05

TBD/DsBrady Mail Drop 703



Dkt'd - 9/27/00
LR

9-27-00
(Due Date: n/d/d)

✓



PATENT
Attorney Docket Number: 2356.0062-05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Prior Application: Art Unit: 1648

Examiner: J. Stucker

SIR: This is a request for filing a

☒ Continuation ☐ Continuation-in-Part ☐ Divisional Application under 37 C.F.R. § 1.53(b) of pending prior application Serial No. 09/092,077 filed June 5, 1998 of Maurice MONCANY and Luc MONTAGNIER for NUCLEOTIDE SEQUENCES DERIVED FROM THE GENOME OF RETROVIRUSES OF THE HIV-1, HIV-2 AND SIV TYPE, AND THEIR USES IN PARTICULAR FOR THE AMPLIFICATION OF THE GENOMES OF THESE RETROVIRUSES AND FOR THE IN VITRO DIAGNOSIS OF THE DISEASES DUE TO THESE VIRUSES.

1. ☒ Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior application Serial No. 09/092,077 as originally filed on June 5, 1998.
2. ☐ Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3. ☐ Cancel Claims _____.
4. ☒ A Preliminary Amendment is enclosed.
5. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 3 and 4 above.

Basic Application Filing Fee					\$690.00	\$ 690.00
	Number of Claims		Basic	Extra Claims		
Total Claims	10	-	20	0	X \$18	0.00
Independent Claims	2	-	3	0	X \$78	0.00
<input checked="" type="checkbox"/> Presentation of Multiple Dep. Claim(s)					+\$260	260.00
Subtotal						\$ 950.00
Reduction by 1/2 if small entity						- 0.00
TOTAL APPLICATION FILING FEE						\$ 950.00

6. ☒ A check in the amount of \$950.00 to cover the filing fee is enclosed.
7. ☒ The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
8. ☒ Amend the specification by inserting before the first line, the sentence:
 --This is a ☒ continuation ☐ division of application Serial No. 09/092,077, filed June 5, 1998, which is a division of application Serial No. 08/895,231, filed July 16, 1997, which is a division of 08/160,465, filed December 2, 1993, which is a continuation of application Serial No. 07/820,599, filed January 21, 1992, all of which is incorporated herein by reference.--
9. ☐ New formal drawings are enclosed.
10. ☒ The prior application is assigned of record to: Institut Pasteur and Institut National de la Sante et de la Recherche Medicale.
11. ☒ Priority of application Serial No. PCT/FR90/0393, filed May 6, 1990 in , filed in France; application Serial No. FR89/07354, filed June 2, 1989; and application Serial No. FR89/12371, filed September 20, 1989 is claimed under 35 U.S.C. § 119. Certified copies
☐ is enclosed or ☒ are on file in the prior application.
12. ☐ A verified statement claiming small entity status
☐ is enclosed or ☐ is on file in the prior application.
13. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal,

Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewris, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Roger D. Taylor, Reg. No. 28,992; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanhon Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Neth, Reg. No. 36,363; Gerson S. Panitch, Reg. No. 33,751; Cheri M. Taylor, Reg. No. 33,216; Charles E. Van Horn, Reg. No. 40,266; Linda A. Wadler, Reg. No. 33,218; Jeffrey A. Berkowitz, Reg. No. 36,743; Michael R. Kelly, Reg. No. 33,921; James B. Monroe, Reg. No. 33,971; Doris Johnson Hines, Reg. No. 34,629; Allen R. Jensen, Reg. No. 28,224; Lori Ann Johnson, Reg. No. 34,498; David A. Manspeizer, Reg. No. 37,540; and Timothy B. Donaldson, Reg. No. 43,592.


14. ☐ The power appears in the original declaration of the prior application.
15. ☐ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.
16. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315.
17. ☐ Recognize as associate attorney _____

18. ☒ Also enclosed is an Information Disclosure Statement; PTO Form 1449; Statement to Support Filing and Submission In Accordance With 37 C.F.R. §§ 1.821-1.825; and Sequence Listing.

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent application, serial no.09/060,756 filed April 16, 1998, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 26, 2000

By: 
Timothy B. Donaldson
Reg. No. 43,592